

SPECIAL CIVIL APPLICATION NO. 909 OF 1985

Date of decision: 17-3-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.K. KESHOTE, J  
(17-3-1996)

Mr. Joy Mathew for Mr. Girish Patel for the petitioners  
Mr. Y.H. Vyas for respondents No. 2 and 3

ORAL JUDGMENT:

Heard the learned counsel for the parties. The only

contention raised by the learned counsel for the petitioners is that the seniority should have been assigned to the petitioners from the date of order of appointment in the cadre of junior geologist and not from the date of joining. I considered the submissions made by the learned counsel for the petitioners. Seniority in the cadre of junior geologist has been prepared on the basis of date of joining the post. I do not find any fault in the preparation of the seniority list.

2. The recruitment and service conditions of the employees of the Corporation are being regulated under the Gujarat Water Resources Development Corporation Ltd., Service Regulations, 1977(hereinafter referred to as "the Regulations". Regulation 17 of the Regulations provides that "service" of an employee shall be deemed to commence from the working day on which an employee reports for duty in appointment covered by the regulations at the place and time intimated to him by the appointing authority, provided that he reports before noon, otherwise his service shall commence from the next working day. Thus the services in the Corporation commences on the day on which an employee joins a post. Regulation 20 provides that an employee confirmed in the Corporation's service shall rank for seniority in his grade according to the length of continuous service in that grade including his probationary period. Combined reading of Regulations 17 and 20 makes the position absolutely clear, and the contention of the petitioners deserve no acceptance. Seniority in the grade concerned, which has been prepared on the basis of the date of joining in the grade, is in conformity with the provisions 17 and 20.

3. In the result this writ petition fails and the same is dismissed. Rule discharged.